

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-14 are pending. Claims 1, 5, and 11 have been presently amended. The changes and additions to the claims are supported by the originally filed specification and do not add new matter.¹

In the outstanding Office Action, Claims 1 and 5 were rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 1 and 7 of copending Application No. 10/557,193; the drawings were objected to as including reference character not mentioned in the description; the Abstract was objected to as containing various informalities; the specification was objected to as containing various informalities; Claims 1-11 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particular point out and distinctly claim the subject matter; Claims 5-10 were rejected under 35 U.S.C. § 101 as claiming nonstatutory subject matter; Claims 1, 5, and 11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,164,882 to Poltorak (hereinafter “Poltorak”) in view of U.S. Patent No. 6,505,160 to Levy et al. (hereinafter “Levy”); Claims 2 and 6 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Poltorak in view of Levy and further in view of U.S. Patent No. 6,204,419 to Fiedler (hereinafter “Fiedler”); Claims 3 and 7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Poltorak, Levy, Fiedler, and further in view of non-patent literature “Distributed Servers Architecture for Networked Video Services” to Chan (hereinafter “Chan”); Claims 4 and 8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Poltorak, Levy, and further in view of U.S. Patent No. 6,912,431 to Kim et al. (hereinafter “Kim”); and Claims 9 and 10 were rejected under 35 U.S.C. § 103(a) as being unpatentable

¹ See, e.g., page 14 of Applicants’ specification.

over Poltorak, Levy, and further in view of U.S. Patent No. 7,191,467 to Dujari et al. (hereinafter “Dujari”).

The arguments presented with the last filed amendment remain pertinent to the claims presented here. The present amendments have been made following the Interview on December 22, 2008 with Examiner Su. The discussions below substantially summarize the substance of the interview.

During the interview, Examiner Su indicated that, in his view, the claims should more positively set forth those elements recited in the claims. Accordingly, Claim 1 for example has been amended to recite:

a receiver configured to receive first contents from a broadcasting station ***and to receive an input recording request***;
a temporary memory unit configured to temporarily store first contents-related information related to the first contents;
a memory configured to store the first contents and to store, ***based on receipt of the input recording request***, the first contents-related information; and
the memory being configured to store a plurality of second contents and a plurality of second contents-related information received from a server, the second contents-related information being related to the first contents, and displayable.²

Hence, Claim 1 sets forth that a receiver configured to receive an input recording request and a memory configured to store first contents-related information based on receipt of the input recording request.

As discussed during the interview, the Office Action relies on Levy for an asserted teaching of relating contents-related information to first contents. Levy simply describes that an identifier attached to an audio signal (object) is used to connect the audio signal with metadata.³ Further, Levy describes that the identifier travels with the object through the object’s distribution. Then, a decoding device or a programmatic process extracts the

² Independent Claims 5 and 11 have been amended in a similar fashion.

³ See Levy, column 2, lines 13-15.

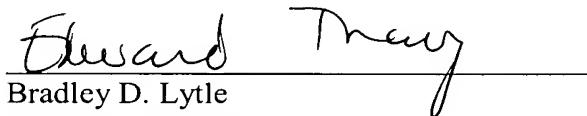
identifier from the object and is then used to retrieve the metadata.⁴ Moreover, Levy describes a user activated function, which upon activation, merely records the audio signal being received.⁵

There is no discussion, and therefore no disclosure in Levy of storing first contents-related information (for example the metadata in Levy) based on receipt of an input recording request. Thus, no matter how the teachings of Poltorak and Levy are combined, the combination does not teach or suggest the storing of the first contents-related information based on receipt of an input recording request, as defined in Claim 1. Accordingly, the rejection of Claims 1, 5, and 11 (and all associated dependent claims) as being unpatentable over any proper combination of Poltorak and Levy should be removed.

Consequently, in view of the present amendment and in light of the above-discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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⁴ Id. at column 2, lines 38-48.

⁵ Id. at column 14, lines 48-51.